



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.3305 of 2024

1) *Sufia Sultana*

.....

Petitioners

2) Sayad Mustak Ali @ Sayed
Mustak Ali

Represented By Adv. -
Ipsit Aurobindo Acharya

-versus-

State Of Odisha

.....

Opposite Parties

Represented By Adv. -
M/s Bimal Keshari Dash,
S. Mishra, S.k. Patra

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
06.05.2024

Order No.

- 02.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel appearing for the Petitioners and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the materials placed before this Court.
 3. The present bail application under Section 439 of Cr.P.C. has been filed by the Petitioners for regular bail relating to Bharatpur P.S. Case No.301 of 2023, corresponding to C.T. Case No.926 of 2023, pending before the learned J.M.F.C.-V, Bhubaneswar for alleged commission of offence punishable under Sections 417, 420, 34 of the IPC.
 4. Learned counsel for the Petitioners submits that earlier this matter was not before any other Bench of this Court. It is submitted by the learned counsel for the Petitioners that the Petitioners are in custody since 27.01.2024. Learned counsel for the Petitioner further contended that the investigation has been completed and the final charge-sheet has



been filed. Learned counsel for the Petitioners referring to the allegation made in the FIR submitted that due to business rivalry the Petitioners have been falsely implicated by the informant. He further contended that for the recovery of the money, a Civil Suit is pending before the Court of learned Civil Judge (Sr. Division), Bhubaneswar in CS No.2348 of 2023. It was also contended that the Petitioners do not have any similar criminal antecedent. In such view of the matter, learned counsel for the Petitioners submitted that the Petitioners be released on bail on any terms and condition which the Petitioners undertake to abide by while on bail.

5. Learned counsel for the informant on the other hand objected to the release of the Petitioners on bail on the ground for the Petitioners have been implicated in the present case since he has cheated the brother of the informant of a large sum of rupees. It was also contended that the Petitioners are having some other cases with similar nature.

5. Learned counsel for the State on the other hand contended that the allegations made in the FIR are serious in nature. It was further contended that in the event he is released on bail he might abscond justice which might lead to delay in conclusion of trial. Learned counsel for the State opposed the release of the Petitioners in view of the nature and seriousness of allegation made against the Petitioners. Therefore, he submitted that the prayer for bail of the Petitioners be rejected at this juncture.

6. Having heard learned counsel for the respective parties and on careful consideration of the surrounding facts as well as materials on record, and the fact that the final charge-sheet has been filed, and the period of custodial detention, this Court is inclined to release the Petitioners on bail on furnishing each of a bail bond of Rs.40,000/- (Rupees Forty Thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter.



Release of the Petitioners shall also be subject to following conditions:-

- i) shall not be involved in any offence of similar nature while on bail;
- ii) shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever,
- iii) shall not make any default in attending the court during trial on each date without fail.
- iv) shall appear before the concerned Police Station once in a fortnight for three months, thereafter, shall appear once in a month till conclusion of the trial preferably on 'Sunday' in between 10.00 A.M to 1.00 PM.

Violation of any of the terms and conditions shall entail cancellation of bail.

7. It is further directed that the bail granted to the Petitioners are subject to depositing a cash security of Rs.1,00,000/- (Rupees One Lakh) before the learned Court in seisin over the matter, which shall be kept in any Nationalized bank in interest bearing account initially for a period of one year which will be renewable from time to time till conclusion of trial and the same shall be abide by the final outcome of the trial of the case.

8. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)
Judge